UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1300
16 November 1994

ORIGINAL: ENGLISH

LETTER DATED 16 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

After several days of severe attacks jointly carried out by the so-called Krajina and Bosnian Serbs, those forces are carrying out an all-out attack against the safe area of Bihać, which began this morning at 6 a.m. Central European Time.

Attacks have been carried out from Croatia's United Nations Protected Area (UNPA) zones, specifically from the area of Slunj and Plitvice Lakes in the north, and the Lokovo mountains in the south, while a heavy offensive against the municipality of Velika Kladusa has also been launched from the UNPA zones in Croatia. Heavy shelling continues to be directed against Bihać and Velika Kladusa, characterized by the use of multiple rocket launchers and guided missiles. The so-called Krajina Serbs have supplemented these attacks with helicopter gunships.

These most blatant violations follow the vicious attacks against the municipality of Cazin, which we reported to the Security Council yesterday. It was learned today that these attacks against Cazin included paratroopers.

Thus far, these combined Serbian forces have breached the defence lines in the village of Donji Lapac and are heading towards the village of Vidovska and Velika Kladusa. It is still uncertain whether they have interrupted the road between Velika Kladusa and Bihać. The village of Siljikovaca, which is two kilometres away from the centre of Velika Kladusa, has fallen to the Serbs.

The United Nations Protection Force (UNPROFOR) has still not taken action to deter these attacks or to prevent violations of the no-fly zone.

We urge the Security Council to take all action necessary to stop any further transgression of the international border between the republics of Bosnia and Herzegovina and Croatia by the so-called Krajina Serbs, and to take all measures necessary and in accordance with the mandates given by relevant resolutions to protect the safe area and the no-fly zone, which have been violated in the most brutal way, resulting in heavy civilian casualties.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1301
16 November 1994

ORIGINAL: ENGLISH

LETTER DATED 16 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Over the last week the Security Council has received ever more detailed and disturbing information regarding the reinvigorated aggression against and violations of the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina in the Bihać "safe area", coming from the so-called Krajina Serbs in the United Nations Protected Area (UNPA) zones of the Republic of Croatia. This aggression and these violations are executed by artillery, helicopters, fixed-wing aircraft and mobilized infantry, including tanks. This aggression and these violations require fuel. That fuel is, at least in significant part, being provided and facilitated through mechanisms established by the Security Council pursuant to resolution 943 (1994).

Today, this fuel still continues to flow under the direction of the Border Monitoring Mission of the International Conference on the Former Yugoslavia, in direct contravention of resolution 820 (1993) and despite the fact the so-called Krajina Serbs:

1. Continue to block forces of the United Nations Protection Force (UNPROFOR) within the Bihać pocket, exposing the UNPROFOR forces already there to new hardships and grave danger;

2. Have refused since May 1994 to allow humanitarian convoys of the Office of the United Nations High Commissioner for Refugees (UNHCR) to enter the Bihać safe area;

3. Are coordinating their aggression and rejection of the Contact Group peace plan with the "Bosnian Serbs";

4. Are, in violation of resolution 943 (1994), sharing their fuel with their accomplices, the "Bosnian Serbs";

5. Violate the status of the UNPA zones and the "Zagreb Agreement" by using planes, helicopters, artillery and other heavy weapons from within the UNPA zones;

6. Shell and attack the Bihać safe area in violation of resolutions 824 (1993) and 836 (1993) as well as the North Atlantic Treaty Organization (NATO) communiqué of 22 April 1994, killing innocent civilians and endangering the lives of the UNPROFOR forces in the "safe area"; and

7. Have not only violated the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina through shelling and air attacks, but now occupy several areas within the Bihać "safe area".

The Security Council may be more challenged in stopping the above aggression and violations, but it cannot claim impotence in terminating these fuel shipments which directly facilitate this aggression and these violations. We request urgent action to stem further abuses and violations of Security Council resolutions as well as our territorial integrity and sovereignty.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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Security Council

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S/1994/1302
16 November 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I transmit to you herewith a letter addressed to you from Sheikh Sabah al-Ahmad al-Jaber al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait.

I should be grateful if you would inform the members of the Council of the content of the letter and have it circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

94-45308 (E) 171194 171194 181194

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Annex

Letter dated 16 November 1994 from the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait addressed to the President of the Security Council

I refer to the letter dated 12 November 1994 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you, enclosing the Declaration issued by the Iraqi National Assembly on 10 November 1994 and Decree No. 200 of the Revolution Command Council of the Republic of Iraq, which affirm Iraq's recognition of the sovereignty, territorial integrity and political independence of Kuwait and of its international boundaries as endorsed by the provisions of Security Council resolution 833 (1993), and the copy of Alwaqai Aliraqiya, the Government's official gazette, in which the Declaration and Decree were published.

I first wish to express the gratitude and appreciation of the Amir, the Government and the people of Kuwait for the position that the Security Council has maintained since the adoption of resolution 660 (1990). It was undoubtedly this stance, reflecting the unity of opinion of its members, their determination that Iraq should fulfil all the conditions without ambiguity or hesitation and the firmness of the Council's resolve to leave Iraq no room for manoeuvre, which has brought us to the point where Iraq has had to comply with the Council's demands for positive action on paragraph 2 of resolution 687 (1991), which represents the crux of the problem.

The Kuwaiti Council of Ministers, meeting on 12 November 1994 under the chairmanship of His Highness the Crown Prince and Prime Minister and in the presence of the Speaker of the National Assembly, issued a communiqué in which it expressed its awareness of the importance of this step, which Iraq should have taken at the time of its unconditional acceptance of Security Council resolution 687 (1991) of 3 April 1991, and affirmed that the Decree on recognition was a step in the right direction towards Iraq's implementation of all Security Council resolutions relating to its aggression against the State of Kuwait and a result of the insistence of the international community as represented in the Security Council on the necessity of Iraq's implementation of all Security Council resolutions and its affirmation of the political and legal unity enshrined in these resolutions.

The Iraqi recognition is also a confirmation of the political and historical reality of the State of Kuwait, as affirmed by official minutes, exchanges of letters and international and bilateral agreements, the most recent being those of 1932 and 1963 and all of which establish beyond any doubt or contention this historical independent reality, as well as the establishment of political and diplomatic relations between the two countries over a period of three decades at the embassy and ambassadorial levels.

I wish to affirm the importance and the necessity of this step of Iraq's being followed by similar steps towards the serious implementation of all Security Council resolutions, in order that Iraq may prove its good intentions

towards the State of Kuwait and neighbouring States and thus lay the foundations for security and stability in this vital part of the world.

I also call on the States members of the Security Council to maintain their firm positions of principle and their earnest endeavours to compel Iraq to release all Kuwaiti and other prisoners and detainees and to put an end to their bitter suffering by letting them return to their families and relatives.

Kuwait stresses in particular the need for Iraq's implementation of resolution 949 (1994) adopted unanimously by the Security Council, the Council being aware of the need for caution and circumspection in its dealings with Iraq in the light of Kuwait's bitter experience.

I wish to reaffirm that Kuwait will cooperate fully with the Council to ensure full implementation of all resolutions relating to Iraq's aggression against the State of Kuwait adopted under Chapter VII of the Charter.

(Signed) Sabah al-Ahmad AL-JABER
First Deputy Prime Minister and
Minister for Foreign Affairs
of the State of Kuwait

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General Assembly
Security Council

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GENERAL

A/49/674
S/1994/1303
16 November 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 99
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

SECURITY COUNCIL
Forty-ninth year

Letter dated 14 November 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from the President of the Republic of Turkey, H.E. Mr. Suleyman Demirel, dated 10 November 1994, addressed to the heads of State of some countries regarding the issue of humanitarian assistance to Bosnia and Herzegovina.

I should be grateful if you would have this letter and its annex circulated as a document of the forty-ninth session of the General Assembly, under agenda item 99, and of the Security Council.

(Signed) Inal BATU
Ambassador
Permanent Representative

94-45369 (E) 171194 181194

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Annex

Letter dated 10 November 1994 from the President of Turkey to certain heads of State

Running into the third year of the war in Bosnia and Herzegovina, I feel obliged to write to you to share my grave concerns regarding the humanitarian situation in this beleaguered country. Winter is again approaching and the Bosnian people will have to endure yet another harsh season without sufficient shelter, food, heating and clothing. During my recent talks with the Bosniac leaders, they once again brought to my attention the dire circumstances in Bosnia, particularly in Sarajevo and the eastern enclaves, and asked for urgent assistance to relieve the suffering of the Bosnian people.

The untiring efforts of international organizations in this respect are certainly beyond praise and appreciation. However, much more has to be done to support the humanitarian relief efforts. We should all heed their appeals to sustain humanitarian assistance.

In view of your Governments' commitment to support international humanitarian relief efforts and your active interest in Bosnia and Herzegovina, I feel the need to bring the matter to your attention. I ask support and cooperation to assure the Bosnians that the world is not indifferent to their suffering, but is keenly interested in their fate.

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S/1994/1304
17 November 1994

ORIGINAL: ENGLISH

LETTER DATED 16 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries:

1. On 16 August 1994, an Iraqi vehicle carrying 30 passengers was seen passing through the geographic coordinates PB8110008300 of Chai Gharreh Tappeh, west of border pillar 24/18 and south-west of border pillar 24/19.

2. On 17 August 1994, 25 Iraqi motorboats with 85 passengers were seen patrolling in the Arvand Rud.

3. On 19 August 1994, Iraqi forces constructed an observatory tower at the geographic coordinates of TP5300028000 of Khosrcabad, south of Alkhashi Pond.

4. On 19 August 1994, 39 Iraqi water craft carrying 156 passengers were seen patrolling in the Arvand Rud.

5. On 19 August 1994, five tugboats crossed the Arvand Rud towards the sea, while another tugboat entered the Arvand Rud from the sea.

6. On 20 August 1994, 41 Iraqi water craft with 160 passengers were seen patrolling in the Arvand Rud.

7. On 21 August 1994, 50 Iraqi motorboats with 126 passengers were seen patrolling in the Arvand Rud.

8. On 21 August 1994, at 0730 hours, 60 Iraqi military personnel organized in two 30-member companies were seen hiking and training in invasion tactics at the geographic coordinates of EA5000051000 of Yebis in no man's land, north of border pillar 22 and south of border pillars 22/1 and 22/2.

9. On 21 August 1994, at 1050 hours, two Iraqi vehicles carrying a Dushka gun were seen passing through the geographic coordinates of PB1950046100 of

Koohe Toonel, south of border pillar 27/6. The vehicles moved towards the coordinates of PB2420046600 of Koohe Toonel south of border pillar 27/2.

10. On 22 August 1994, 38 Iraqi motorboats with 106 passengers were seen patrolling in the Arvand Rud.

11. On 23 August 1994, two Iraqi military personnel were seen raising a flag at the geographic coordinates of TQ1620021200 of Hosseinieh in no man's land, west of border pillar 7/26.

12. On 23 and 24 August 1994, two Iraqi ships, one ship belonging to the United Arab Emirates and one Iraqi tugboat with passengers, were seen passing through the Arvand Rud.

13. On 23 August 1994, 53 Iraqi motorboats carrying 160 passengers were seen patrolling in the Arvand Rud.

14. On 24 August 1994, at 1645 hours, the freight ship LFED flying the Iraqi flag left the port of Basra and crossed over to the sea through the Arvand Rud Canal.

15. On 23 and 24 August 1994, 86 Iraqi water craft were seen moving in the Arvand Rud between Alomayeh and near Kooy-e-albakr.

16. On 24 August 1994, 33 Iraqi motorboats carrying 115 passengers were seen patrolling in the Arvand Rud.

17. On 24 August 1994, at 0900 hours, eight Iraqi military personnel were on guardwatch at the geographic coordinates of NC57.0039500 of Sumar in no man's land, north-west of border pillar 40/5 and Kooh-e-Goomehsang and south-east of border pillar 41 and the Miantangeh sentry post.

18. On 24 August, a number of Iraqi personnel were seen constructing a road at the geographic coordinates of EV5500056000 west of Jofeir 2 in no man's land, 19 kilometres north of border pillar 14/3.

19. On 25 August 1994, between 1300 and 2000 hours, 14 Iraqi military personnel were seen constructing ramparts at the geographic coordinates of ND4000001000 of Khosravi, west of border pillar 53.

20. On 26 August 1994, at 1930 hours, an EMN tanker flying the flag of the United Arab Emirates entered the Arvand Rud from the sea and sailed towards the port of Basra.

21. On 26 August 1994, 53 Iraqi motorboats carrying 112 passengers were seen patrolling in the Arvand Rud.

22. On 26 August 1994, seven anti-revolutionary elements were seen in a vehicle transporting equipment to the geographic coordinates of PB1060072400 of Mehran in no man's land, west of the Konjanjam river south of border pillar 33 and the Zalooab mountain, opposite Reza-Abad in Iran and in the area of the Iraqi Doraji sentry post.

23. On 27 August 1994, 10 Iraqi military personnel were seen constructing ramparts at the geographic coordinates of ND4050004000 of Khosravi, opposite Iran's Velayatkoshteh and west of border pillar 53/1.

24. On 27 August 1994, 62 Iraqi motorboats with 187 passengers were seen patrolling the Arvand Rud.

25. On 27 August 1994, at 1550 hours, an Al-Bahar ship flying the Iraqi flag left the port of Basra and entered the sea through the Arvand Rud.

26. On 27 August 1994, at 2045 hours, the freight ship EFED, flying the Iraqi flag, entered the Arvand Rud Canal and sailed towards the port of Basra.

27. On 28 August 1994, at 0720 hours, 15 Iraqi military personnel were seen marching and training at the geographic coordinates of QA5000050000 of Yebis in no man's land, south of border pillar 22 and the sentry post of Fakkeh.

28. On 28 August 1994, between 0900 and 2000 hours, eight Iraqi military personnel constructed ramparts at the geographic coordinates of ND4050004000 of Khosravi, opposite Iran's Velayatkoshteh and west of border pillar 53/1. The construction activity was continued till 31 August 1994.

29. On 28 August 1994, at 1455 hours, an EMN tanker flying the flag of the United Arab Emirates left the port of Basra and sailed towards the sea after passing through the Arvand Rud Canal.

30. On 28 August 1994, at 1600 hours, an Al-Bahar ship flying the Iraqi flag entered the Arvand Rud Canal from the sea and sailed towards the port of Basra.

31. On 30 August 1994, 15 Iraqi motorboats carrying 48 passengers were seen patrolling in Arvand Rud.

32. On 31 August 1994, Iraqi forces were engaged in road construction at the geographic coordinates of QV5500057000 west of Jofeir 2 in no man's land, 20 kilometres north of border pillar 14/A2. These activities began on 24 August and continued for seven days.

33. On 31 August 1994, at 0730 hours, 12 Iraqi military personnel were seen passing through the geographic coordinates of QA5000050000 of Yebis in no man's land, south of border pillar 22 and the Iranian sentry post of Fakkeh.

34. On 31 August 1994, 27 Iraqi motorboats with 51 passengers were seen patrolling in the Arvand Rud.

35. On 31 August 1994, at 1600 hours, an Al-Bahar ship flying the flag of Iraq entered the Arvand Rud Canal and sailed towards the port of Basra.

It would be highly appreciated if the present letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

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Security Council

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S/1994/1305
17 November 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 15 NOVEMBER 1994 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you a copy of the tripartite agreement on the repatriation of Rwandese refugees from Zaire, signed at Kinshasa on 24 October 1994 by Prime Minister Faustin Twagiramungu, for the Government of the Rwandese Republic; Prime Minister Léon Kengo wa Dondo, for the Government of the Republic of Zaire; and Mr. John McCallin, for the Office of the United Nations High Commissioner for Refugees.

Also attached to this tripartite agreement is the joint communiqué issued at the conclusion of the working visit which the Rwandese Prime Minister made to Zaire from 22 to 24 October 1994.

The Government of Zaire would be grateful if you would have this letter and its annexes circulated as documents of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Minister Plenipotentiary
Deputy Permanent Representative
Chargé d'affaires a.i.

94-45510 (E) 221194 221194 231194

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Annex I

Tripartite agreement on the repatriation of Rwandese refugees from Zaire

Preamble

The Government of the Rwandese Republic, the Government of the Republic of Zaire and the Office of the United Nations High Commissioner for Refugees (UNHCR), hereinafter referred to as the Contracting Parties,

(a) Recognizing that the rights of all citizens to leave and to return to their country are fundamental human rights enshrined in, inter alia, article 13, paragraph 2, of the Universal Declaration of Human Rights of 1948 and article 12 of the International Covenant on Civil and Political Rights of 1966;

(b) Considering the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969 and, more specifically, article V dealing with voluntary repatriation;

(c) Recalling that United Nations General Assembly resolution 428 (V) of 14 December 1950 establishing the Statute of UNHCR assigns to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for refugee problems, inter alia, by promoting and facilitating their voluntary repatriation;

(d) Believing that voluntary repatriation, where feasible, constitutes the most appropriate durable solution for refugee problems and that conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the Programme of UNHCR establish the internationally recognized principles and norms governing the voluntary repatriation of refugees;

(e) Stressing the importance of the principles contained in the Protocol of Agreement on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993 by the Government of the Rwandese Republic and the Rwandese Patriotic Front;

(f) Considering the communiqué dated 26 July 1994, issued at the conclusion of the meeting between the President of the Rwandese Republic and the President of the Republic of Zaire, and the joint communiqué issued following the deliberations of the Zairian-Rwandese ministerial meeting held at Goma on 1 September 1994;

(g) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and final reintegration in Rwanda of Rwandese refugees in Zaire with the assistance of the international community through UNHCR which may, where appropriate, receive support from other United Nations bodies and from intergovernmental and non-governmental organizations;

Have agreed as follows:

RIGHT TO RETURN

Article 1

All Rwandese refugees who wish to return to their country shall have the right to do so without preconditions.

VOLUNTARY CHARACTER OF THE REPATRIATION

Article 2

The Contracting Parties hereby reaffirm that the repatriation of Rwandese refugees in Zaire shall take place only on the basis of their voluntarily expressed wish.

RESPONSIBILITIES OF THE COUNTRY OF ASYLUM: THE REPUBLIC OF ZAIRE

Article 3

The Government of the Republic of Zaire undertakes to guarantee the voluntary character of the repatriation of Rwandese refugees by taking, in consultation with UNHCR, all the steps needed to ensure the implementation of this basic principle inherent in international protection. To this end, it shall adopt all appropriate measures to ensure that the refugees are not unduly influenced. It undertakes to respect the relevant clauses of the Geneva Convention of 1951 and the OAU Convention of 1969 relating to refugees.

Article 4

The Government of the Republic of Zaire shall guarantee unimpeded access by UNHCR to its territory and to the refugees for the purpose of carrying out the repatriation operation.

Article 5

The Government of the Republic of Zaire shall facilitate the departure of Rwandese refugees and shall simplify the border formalities for the export of their property and household goods.

RESPONSIBILITIES OF THE COUNTRY OF ORIGIN: THE RWANDESE REPUBLIC

Article 6

The Government of the Rwandese Republic undertakes to strengthen or, indeed, to establish administrative, police and judicial structures and to make every effort to ensure the return of the refugees under conditions of safety and dignity. To this end, it shall seek support from the international community.

Article 7

The Government of the Rwandese Republic shall take all the measures required to create conditions for the reintegration of the refugees.

Article 8

The Government of the Rwandese Republic shall take all the steps required to inform, create awareness among and prepare the population living in the areas to which the refugees will return, so as to teach both groups to live in harmony without further considerations.

Article 9

The Government of the Rwandese Republic shall simplify the formalities for the return of the refugees, and shall facilitate the import of their property and household goods, which shall be exempt from customs duties in accordance with the regulations in force. Border checkpoint operations shall be limited to the minimum required and shall be carried out with full respect for the basic rights of the returnees.

Article 10

The Government of the Rwandese Republic shall facilitate the efforts of UNHCR during the repatriation operation, including the escort of the refugees and access by UNHCR officials to their places of residence.

Article 11

With a view to ensuring durable social peace and genuine national reconciliation, the Government of the Rwandese Republic shall take all appropriate measures to enable the returnees to resettle in their localities of origin or choice and to ensure the protection of their movable and immovable property. It shall also settle, with all due diligence, disputes relating to the ownership and possession of such property.

Article 12

The Government of the Rwandese Republic, in close cooperation with the Office of the United Nations High Commissioner for Refugees, shall take the necessary measures to ensure the reintegration of all returnees including those who have remained for long periods outside Rwanda.

Article 13

The Government of the Rwandese Republic shall ensure the reintegration of Rwandese refugees into economic and social life and, as far as possible, into the various sectors of the national civil service. It shall guarantee equal enjoyment by such persons of all the economic and social, civil and political rights provided for in domestic law and international law.

Article 14

The Government of the Rwandese Republic shall guarantee unimpeded access by the Office of the United Nations High Commissioner for Refugees to its territory and to returnees for the purpose of implementing the repatriation operation.

RESPONSIBILITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Article 15

The Office of the United Nations High Commissioner for Refugees shall verify through unrestricted access to refugees the voluntary character of their decision to return home.

Article 16

The Office of the United Nations High Commissioner shall establish a presence in the main areas where returnees are resettled in order to facilitate their return in safety and with dignity and to encourage the implementation of measures for their reintegration. Where necessary, it shall request the cooperation of other United Nations agencies and of other organizations in order to respond to the needs of the refugees.

Article 17

The Office of the United Nations High Commissioner shall ensure that unaccompanied women and minor children who are refugees receive protection and special attention in order to guarantee their fundamental rights and the unity of their families.

Article 18

The Office of the High Commissioner shall also ensure that Rwandese refugees who choose not to return home continue to benefit from asylum in the territory of Zaire until such time as they can return to their country of origin in safety and with dignity.

Article 19

The Office of the High Commissioner shall ensure the coordination and mobilization of the financial and logistical resources necessary for the implementation of the operation.

THE SUBCOMMISSION RESPONSIBLE FOR REPATRIATION ISSUES

Article 20

A Subcommission responsible for repatriation issues has been established following the Zairian-Rwandese ministerial meeting held on 1 September 1994 at Goma.

Article 21

The Subcommission shall consist of 16 members. The Government of the Republic of Zaire and the Government of the Rwandese Republic shall each appoint seven members from the following ministries:

- Cabinet of the Prime Minister;
- Ministry of the Interior;
- Ministry of Justice;
- Ministry of Defence;
- Ministry of Foreign Affairs;
- Ministry of Social Affairs;
- Ministry of Rehabilitation, Social Integration and International Cooperation.

The Office of the United Nations High Commissioner for Refugees shall be represented on the Subcommission by two members, one of whom shall be appointed from its delegation in Rwanda and the other from its delegation in Zaire. The Subcommission shall be chaired alternately by a representative of the Republic of Zaire and by a representative of the Rwandese Republic. The Chairman of the Subcommission shall appoint a rapporteur for the meeting and shall determine the date and venue of the following meeting.

Article 22

The Subcommission shall hold its first meeting no later than during the month following the date of appointment of its members and shall adopt its rules of procedure. It shall meet at least once every two months. Extraordinary meetings may be convened at the express request of either of the parties to this

agreement. Meetings of the Subcommission shall be held in the territory of Zaire or Rwanda or, where necessary, in that of a third country. Where the Subcommission deems appropriate, it may invite or authorize any person or organization concerned with the repatriation operation to participate in its deliberations as an observer. The deliberations of the Subcommission shall be recorded in reports which shall be transmitted to the contracting parties.

Article 23

The Subcommission shall be responsible for monitoring the implementation of measures to facilitate the voluntary return of Rwandese refugees and the integration of the returnees into their communities of origin. It shall ensure compliance with the terms of this agreement, particularly those relating to the safety of returnees and assistance to them.

The Subcommission shall inform the contracting parties of the progress made and the difficulties encountered. It shall recommend to them, in consequence, all measures which may be taken to overcome those difficulties.

Article 24

The Subcommission shall undertake missions to Zaire and Rwanda after informing the contracting parties of its programme. The contracting parties shall facilitate these missions of the Subcommission, and in particular, shall provide unimpeded access to Rwandese refugees and returnees. The Subcommission shall visit the sites where returnees have been resettled in order to verify that the measures necessary for their repatriation in conditions of safety and dignity have been taken, and shall ensure that the necessary measures have been taken to facilitate the reception of returnees. It shall propose appropriate solutions to any problems observed.

Article 25

The Subcommission shall organize campaigns aimed at disseminating among Rwandese refugees in Zaire relevant information concerning repatriation so that the refugees in question will have all the necessary information to enable them to decide whether to return home. Where necessary, it shall facilitate visits to Rwanda by representatives of the refugees to enable them to assess for themselves the prevailing situation and to report back later to their people.

Article 26

The Subcommission shall establish methods for the registration of refugees wishing to return to Rwanda.

Article 27

The Subcommission shall agree on the border posts to be used for organized movements of refugees returning home of their own free will.

Article 28

In order to facilitate the task of the Subcommission, the contracting parties shall provide, at the request of the Subcommission, all information and logistics necessary for the implementation of this agreement.

FINAL CLAUSES

Article 29

This agreement shall enter into force upon its signature by the contracting parties.

Article 30

Any dispute which arises from the interpretation or application of this agreement, or which has not been expressly provided for in the text of the agreement, shall be amicably resolved through consultations between the contracting parties.

Article 31

This agreement may be amended by mutual agreement between the signatories.

Article 32

This agreement shall remain in force unless it is denounced by mutual agreement between the signatories or by written notice of unilateral denunciation by one signatory to the other signatories. Such denunciation shall take effect 90 days from the date on which the notice is given.

In witness whereof, this agreement has been signed below by the duly authorized representatives of the contracting parties.

Done at Kinshasa on 24 October 1994.

For the Government of the Rwandese Republic:

(Signed) Faustin TWAGIRAMUNGU
Prime Minister

For the Government of the Republic of Zaire:

(Signed) Léon KENGO wa DONDO
Prime Minister

For the Office of the United Nations High Commissioner for Refugees:

(Signed) John McCALLIN
Deputy Special Envoy of the High Commissioner for the Rwanda Crisis

Annex II

Joint communiqué dated 24 October 1994 by the Prime Minister of Zaire and the Prime Minister of Rwanda

1. At the invitation of H.E. Mr. Léon Kengo wa Dondo, Prime Minister of the Republic of Zaire, H.E. Mr. Faustin Twagiramungu, Prime Minister of the Rwandese Republic, paid a working visit to the Republic of Zaire from 22 to 24 October 1994.

2. The Rwandese delegation was led by H.E. Mr. Faustin Twagiramungu, Prime Minister of the Rwandese Republic, assisted by Mr. Charles Ntakirutinka, Minister of Public Works and Energy; the delegation of Zaire was led by H.E. Mr. Léon Kengo wa Dondo, Prime Minister, assisted by Mr. Gustave Malumba Mbangula, Deputy Prime Minister and Minister of the Interior, Senior Admiral Mavua Mudima, Deputy Prime Minister and Minister of Defence, Gérard Kamanda wa Kamanda, Deputy Prime Minister and Minister of Justice, Garde des Sceaux and Minister of Institutional Reforms, Ms. Soki Fuani Eyenga, Minister of Social Affairs and Mr. Mukulumanya wa Ngate Zenda, Deputy Minister for Foreign Affairs.

3. During their talks, the two heads of Government reviewed the state of relations between Zaire and Rwanda.

4. The two delegations gave special consideration to the question of Rwandese refugees in Zaire. In this connection, the two heads of Government and UNHCR proceeded to sign the tripartite agreement on the repatriation of Rwandese refugees from Zaire.

5. In addition to the question of the repatriation of Rwandese refugees in Zaire, the two heads of Government discussed the issue of the alleged perpetrators of various crimes committed in Rwanda who have taken refuge in Zaire.

6. The Government of Zaire undertakes to respect the provisions of the Declaration on Territorial Asylum and reaffirms its desire to pursue cooperation with the United Nations within the framework of the proceedings to be instituted against the perpetrators of the massacres and genocide in Rwanda.

7. In the area of mutual security, the two heads of Government undertake not to allow the territory of one to be used as a base for destabilizing the other.

8. Moreover, the two heads of Government have agreed to bring into operation, during the first two weeks of November 1994, the subcommissions established following the Goma ministerial meeting, which had been given responsibility for considering, by mutual agreement, problems relating to:

(a) The repatriation of Rwandese refugees;

(b) Mutual security; and

(c) Property, for the purposes of restitution of Rwandese property and reparation for the damage suffered by Zaire.

9. The meeting between the two heads of Government enabled the Republic of Zaire to renew its appeal to the international community to assist it in ensuring the removal from proximity to the common borders of Rwandese former soldiers and dignitaries in Northern Kivu and Southern Kivu until such time as another host country is found for them.

10. The two heads of Government appeal urgently to the international community to assist the Rwandese Republic in creating conditions for the reintegration of Rwandese refugees, in particular by setting up intake centres in Rwandese territory. These centres shall be freely accessible to UNHCR officials and those of other agencies of the United Nations system in the context of the performance of their respective mandates.

11. The two heads of Government have expressed the wish for the activities of the Economic Community of the Great Lakes Countries to commence as soon as possible.

12. The talks between the two heads of Government have taken place in an atmosphere of candour and mutual understanding.

Done at Kinshasa on 24 October 1994.

For the Republic of Zaire:

(Signed) Léon KENGO wa DONDO
Prime Minister

For the Rwandese Republic:

(Signed) Faustin TWAGIRAMUNGU
Prime Minister

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1306
17 November 1994

ORIGINAL: ENGLISH

LETTER DATED 17 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Late this morning, Central European Time, so-called Bosnian Serb forces again shelled Sarajevo from within the exclusion zone. Three artillery shells impacted the Presidency building, injuring several people. One of these shells was equipped with a guidance device, leaving no doubt as to what the intended target was. Three to four more shells impacted the "Marin Dvor" section of Sarajevo, near the city centre, causing injuries to several civilians, some of which are life threatening. Also, three shells were fired from "Bosnian-Serb" held Ilidza on to the Hrasnica neighbourhood of the city.

Although the United Nations Protection Force (UNPROFOR) command indicated in direct meetings with Republic of Bosnia and Herzegovina officials immediately after the shelling that the attacks came from Serbian positions, it appears no response has been undertaken because officially UNPROFOR has not ascertained responsibility.

Also, for the third straight day, "Bosnian Serb" forces shelled civilian targets in Tuzla, killing one person today.

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

94-45493 (E) 171194 181194

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/49/676
S/1994/1307
17 November 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 62
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-ninth year

Letter dated 17 November 1994 from the Permanent Representative of Ukraine addressed to the Secretary-General

I have the honour to transmit herewith the text of the Law of Ukraine entitled "On the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968", dated 16 November 1994 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-ninth session of the General Assembly, under agenda item 62, "General and complete disarmament", and of the Security Council.

(Signed) Anatoli ZLENKO
Permanent Representative
of Ukraine to the United Nations

94-45580 (E) 171194 171194 181194

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ANNEX

[Original: Russian]

Law of Ukraine on the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, dated 16 November 1994

Pursuant to the provisions of the Declaration of State Sovereignty of Ukraine, dated 16 July 1990, the statement by the Verkhovna Rada (Parliament) of Ukraine on the nuclear-free status of Ukraine, dated 24 October 1991, the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 9 April 1992, on additional measures to ensure that Ukraine gains nuclear-free status, the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 18 November 1993, ratifying the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol thereto, signed in Lisbon on behalf of Ukraine on 23 May 1992, and the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 3 February 1994, on the implementation by the President of Ukraine and the Government of Ukraine of the recommendations contained in paragraph 11 of the resolution of the Verkhovna Rada (Parliament) of Ukraine ratifying the Treaty between the Union of Soviet of Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol thereto, signed in Lisbon on behalf of Ukraine on 23 May 1992, the Verkhovna Rada (Parliament) of Ukraine resolves:

To accede to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, with the following reservations:

1. The provisions of the Treaty do not fully apply to the unique situation which has come about as a result of the collapse of a nuclear State, the Union of Soviet Socialist Republics;

2. Ukraine is the owner of the nuclear weapons inherited by it from the former USSR. Following the dismantling and destruction of these weapons under the control of Ukraine and in accordance with procedures to render impossible the re-use for their original purpose of the nuclear materials that are components of these weapons, Ukraine intends to use the aforesaid materials exclusively for peaceful purposes;

3. The existence on the territory of Ukraine of nuclear weapons until their complete elimination, and also the necessary work to maintain, service and eliminate those weapons, are not contrary to the provisions of articles I and II of the Treaty;

4. The threat or use of force against the territorial integrity and inviolability of the frontiers or against the political independence of Ukraine by any nuclear State, as well as the use of economic pressure designed to subordinate to that State's own interests the enjoyment by Ukraine of the rights

inherent in its sovereignty, shall be deemed by Ukraine to be exceptional circumstances placing its supreme interests under threat;

5. The instruments on the accession of Ukraine to the Treaty shall be transmitted to the depositary countries of the Treaty upon the entry into force of this Law;

6. This Law shall enter into force once Ukraine has been furnished by the nuclear States with guarantees of its security, in the form of the signing of an appropriate instrument of international law.

A. A. MOROZ
Chairman of the Verkhovna Rada (Parliament)
of Ukraine

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1308
18 November 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON SECURITY IN THE RWANDESE REFUGEE CAMPS

I. INTRODUCTION

1. The present report is submitted in pursuance of the statement of the President of the Security Council dated 14 October 1994 (PRST/1994/59), which noted the Council's concern at the plight of the millions of Rwandese refugees and displaced persons, reiterated the view that their return to their homes was essential for the normalization of the situation in Rwanda and deplored the continuing acts of intimidation and violence within the refugee camps, which were designed to prevent the refugee population there from returning home.

2. In my report on the situation in Rwanda dated 6 October (S/1994/1133), I indicated that, as a result of his visit to Zaire from 12 to 14 September, my Special Representative for Rwanda, Mr. Shaharyar Khan, concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese government forces and militia from the rest of the refugee population. I also noted, however, that that would be a difficult and complex undertaking, especially as those to be separated would be likely to resist, and incite others to resist, any attempt to relocate them. In order to address more fully the problems associated with separating the former Rwandese government forces' political leaders, military and militia from the refugees, and to evaluate the logistic and other requirements involved, a joint Zairian/United Nations working group was established, composed of officials of the Government of Zaire, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP). A technical team from the United Nations Assistance Mission for Rwanda (UNAMIR) was sent to Zaire to join the working group. In my report of 6 October, I also indicated that my Special Representative had recommended that attention be focused, as a matter of priority, on the camps in Zaire, where the problems were significantly more acute than in those established in the United Republic of Tanzania. Accordingly, the present report addresses mainly the issue of security in the camps located in Zaire.

3. In his statement of 14 October, the President of the Security Council noted that the Council looked forward to receiving a further report from me on this

issue, based, inter alia, on the findings of the UNAMIR technical team participating in the joint Zairian/United Nations working group. The joint working group was established at Kinshasa on 26 September and concluded its site visits on 11 October. The UNAMIR technical team returned to Kigali on 14 October and subsequently submitted its report to my Special Representative.

4. Following consultations between the Secretariat and UNHCR on possible options for addressing the security situation in the camps, I convened a high-level meeting at Geneva on 8 November, which focused on various aspects of the crisis in Rwanda and most importantly on the situation in the refugee camps. The meeting was attended by the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, the Executive Director of the World Food Programme, the Under-Secretaries-General for Political Affairs and for Humanitarian Affairs, the Legal Counsel, one of my special advisers, my Special Representatives for Rwanda and Burundi, my Special Humanitarian Envoy for Rwanda and Burundi, the Military Adviser in the Department of Peace-keeping Operations and a representative of the United Nations Children's Fund (UNICEF).

5. The meeting concluded that the most urgent problems were the security in the camps and the Government's need for support to enable it to carry out its functions. It was agreed that those problems must be addressed under an overall strategy leading to the repatriation and reintegration of refugees and internally displaced persons. The meeting also concluded that longer-term efforts, including efforts on a regional basis, towards national reconciliation, rehabilitation and reconstruction of the country should contribute to the resolution of the more urgent problems related to the safe return of refugees and internally displaced persons.

II. PRESENT SITUATION IN THE RWANDESE REFUGEE CAMPS IN ZAIRE

A. Conditions in the camps

6. An estimated 1.2 million people fled Rwanda over a four-day period in mid-July to the Kivu region of Zaire, in one of the largest and most sudden movements of refugees in modern history. UNHCR estimates that there are 850,000 refugees in north Kivu, in the Goma areas of Mugunga, Kibumba and Katale, and about 370,000 in south Kivu, in the Bukavu and Uvira areas. The camps, which sprawl over miles, are overcrowded, chaotic and increasingly insecure. The refugees live in makeshift huts and are completely dependent on United Nations and relief agencies for basic needs assistance.

7. The former Rwandese political leaders, Rwandese government forces soldiers and militia control the camps, though the degree of control varies from area to area. They are determined to ensure by force, if necessary, that the refugees do not repatriate to Rwanda. They also make it difficult for relief agencies to carry out their work in safety, because they attempt to control the agencies' activities in the camps and prevent relief supplies from reaching those in need. It is believed that these elements may be preparing for an armed invasion of Rwanda and that they may be stockpiling and selling food distributed by relief agencies in preparation for such an invasion. There have already been some

cross border incursions. Security is further undermined by general lawlessness, extortion, banditry and gang warfare between groups fighting for control of the camps. As a result of these threats to security, non-governmental organizations responsible for the distribution of relief supplies in the camps have begun to withdraw.

8. There are approximately 230 Rwandese political leaders in Zaire, including former ministers, senior civilian and military officials, members of parliament and other political personalities, many of whom live in good conditions in hotels and houses outside the refugee camps. With their dependants, they amount to about 1,200 persons. These leaders exert a hold on the refugees through intimidation and the support of military personnel and militia members in the camps.

9. Estimates of the number of former Rwandese government forces personnel in Zaire differ but they probably amount to about 50,000 persons, including dependants. In south Kivu, they are located in two separate military camps. In north Kivu, on the other hand, they are living among the refugees and are often indistinguishable from them, since many no longer wear uniform. It seems to be their intention to regain power in Rwanda and there are reports of continuing military activity by them along the Zairian/Rwandese border in Kanganiro and Kamanyola. However, they have not so far been as significant a factor for insecurity in the camps as have the militia.

10. The militia have a significant presence in the camps in the Goma area, where they control access into and out of the camps and resort openly to intimidation and force to stop refugees who are inclined to return to Rwanda. Like the Rwandese government forces personnel, they possess firearms, as the Zairian authorities were unable to disarm all the Rwandese government forces and militia personnel when they sought refuge in Zaire in July 1994. They also possess vehicles and communication equipment. It is difficult to determine their exact number as they neither wear uniform nor carry any insignia that would distinguish them from the rest of the refugee population. However, an estimate of their number can be made by reference to the militia's pre-war organization. Each of the 147 communes in Rwanda had between 100 and 150 organized militia, which would represent a total of between 14,700 and 22,050 personnel. Allowing for war attrition, this number may have fallen as low as 10,000 when the refugee camps were established but, in view of the political activity in the camps, it could have risen since that time.

11. There is little information available on the former Presidential Guard, which is estimated to consist of 800 men located in both Goma and Bukavu. There are reports that it may be housed in clandestine camps.

B. Factors impeding repatriation

12. In August and early September, an estimated 200,000 refugees returned to Rwanda. This movement, however, was interrupted by the activity of militia and political leaders opposed to voluntary repatriation. Since September, the number of refugees returning home has fallen drastically, although small numbers of refugees continue to trickle back to Rwanda in spite of threats by the

militia and dissuasion by political leaders. During the same period, some 400,000 refugees of mainly Tutsi origin, many of whom had been in exile in Uganda and Burundi for decades, have returned to Rwanda and, in many cases, settled on land belonging to those who have fled most recently, thus creating another problem relating to property rights. The Government has set up a land commission to resolve that problem but it is unable to provide alternative solutions for those refugees, because of a lack of funds.

13. The refugees' fear of reprisals by the Government for atrocities committed against Tutsis and moderate Hutus seems to be another main reason for their hesitancy about returning to Rwanda. While this fear has been exacerbated by efforts on the part of political leaders, Rwandese government forces elements and militia to dissuade the refugees from returning home, it also appears to be rooted in the history of the relationship between Hutus and Tutsis in Rwanda. In expressing their distrust of the Government, refugees have also indicated a desire for their security to be guaranteed by a neutral body or for their own leaders to participate in the new Government.

14. In the light of the above, the UNAMIR technical team sought the views of the political and military leaders in the camps on conditions that would enable them to allow refugees the freedom of choice to return to Rwanda. These conditions included negotiations with the new Government; involvement of the exiled leadership in all negotiation processes; involvement of the United Nations in facilitating negotiations between the Government and the leadership in exile; revival of acceptable elements of the Arusha Accord; power-sharing; setting up of an international tribunal that would address not only the atrocities and acts of genocide committed after the events of 6 April 1994, but also alleged massacres committed by forces of the Rwandese Patriotic Front (RPF) since 1990; organization of early elections; security guarantees, especially for the safe return of all refugees; and guarantees for the repossession by the refugees of their property.

III. MEASURES FOR THE ESTABLISHMENT OF SECURE CONDITIONS IN THE CAMPS

A. Initial measures

15. In response to a request from the Government of Zaire, consideration has been given, in consultation with UNHCR, to measures aimed at providing immediate, but temporary, assistance to the Zairian security forces in protecting humanitarian operations in the camps. These measures would promote bilateral arrangements between the Government of Zaire and other Governments for the deployment of security experts to train and monitor the local security forces. An assessment mission would formulate recommendations on the number of security experts required and their organization, management and modus operandi. The mission would also estimate the financial support to be provided to the local security forces.

16. In this connection, it is relevant that UNHCR is already assisting the Government of the United Republic of Tanzania to strengthen its local capacity to provide security in the camps through the provision of incentives and

logistic support. An assessment of the additional support that the Government of the United Republic of Tanzania may require in this regard will be made as soon as possible. Such measures would not, by themselves, be sufficient to address the more difficult problems in the camps in Zaire. If adopted in Zaire, they would need to be taken in conjunction with and in support of one of the options described below.

17. Efforts to improve security in the camps should also be supported by a public information campaign that would provide factual information on the situation both in the camps and in Rwanda. To this end, as indicated in my report of 6 October, UNAMIR is building a broadcasting capacity that can reach the camps. However, the Government of Rwanda has yet to grant the necessary authorizations for UNAMIR to begin broadcasting and for a frequency allocation. It is important that these authorizations should be forthcoming soon.

B. Deployment of a United Nations peace-keeping operation

18. In order to improve security, one option would be to deploy a United Nations peace-keeping force to the camps in Zaire, with the consent of the Government of Zaire, as is the established practice for such operations. The task of such a force would be to provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandese border for those refugees who wish to return. From the border, UNAMIR troops would then provide assistance in returning the refugees to their home communities. Such a force would have a mandate separate from that of UNAMIR but would be under the operational control of, and supported logistically by, UNAMIR.

1. First phase

19. In the first phase, two well-trained and well-equipped mechanized battalions would spearhead the operation in the camps north of Lake Kivu. Each battalion would establish secure areas within large camp sites, providing safe conditions for the refugees in those areas. The force would establish screening procedures to keep weapons out of the secure areas. Humanitarian assistance operations would be intensified within these secure areas. The aim during this first phase would be to create conditions conducive to the voluntary repatriation to Rwanda of as many refugees as possible from each secure area. This, of course, would depend on the establishment within Rwanda of conditions under which the refugees could return to their homes in safety and dignity.

20. Within each secure area, local security units would be formed and trained to take over the security functions being performed by the peace-keeping force when reasonably secure conditions were deemed to have been created. At that time, the United Nations contingents would move forward to create similar secure areas in other locations. In planning such movement, consideration would be given to the likely impact of ongoing operations on conditions and attitudes in the camps that were to be secured in subsequent operations.

21. The local security units would include guards from either the Zairian security forces or former Rwandese gendarmerie present in the camps (who were proved not to have been involved in the atrocities), depending upon the situation in the particular area. Security experts, as envisaged in paragraph 15 above, would be made available (either as United Nations civilian police or through a private security firm) to train and monitor the local units in carrying out their security duties. The requisite equipment and financial assistance would also be provided for the local security units. The intention would be to ensure that the local security unit in each area would be capable of providing reasonable security, under the supervision of a minimal number of United Nations personnel, until the remaining refugees could be repatriated during the second phase of the operation, after which the area would be closed.

2. Second phase

22. In the second phase, lightly equipped motorized units would be deployed in the areas rendered secure during the first phase. Their main task would be to escort refugees to the Rwandese border and, in the meantime, to ensure that these areas continued to enjoy secure conditions. In this phase, self-contained company groups would be deployed to each secure area, cumulatively reaching battalion level. As the areas were closed upon completion of repatriation, each company group would be rotated to another secure area which was ready to move into the second phase.

23. Under this option, it is estimated that a force of 3,000 all ranks would be required. A parallel operation, launched simultaneously in the area south of Lake Kivu, where conditions are marginally better, could have a stabilizing effect on Burundi where the situation is still very fragile. To conduct such an operation, an additional 2,000 troops would be required.

24. After progressively establishing security in the camps both north and south of Lake Kivu, the mechanized battalions would be withdrawn from the force. The second phase units would also be gradually withdrawn as secure areas were closed down. This operation would be fully coordinated with the measures for strengthening security conditions in the camps mentioned in paragraph 15 above.

25. The incremental approach to establishing security proposed under this option is unavoidable as the dimensions of the problem are such as to make it impossible to address all refugee camps at the same time. Depending on the situation in the camps and the rate of repatriation, it is estimated that, given a force strength of 3,000 all ranks, it would take 24 to 30 months to complete the operation. However, with the additional 2,000 troops mentioned in paragraph 23, it is estimated that the duration of the operation could be reduced by about 10 months.

C. Action under Chapter VII of the Charter

26. The option outlined above does not provide for the separation of the political leaders, former Rwandese government forces troops and militia from the rest of the camp population, which, as indicated in my report of 6 October, is

considered to be the most effective way of ensuring the safety of refugees and their freedom to exercise their right to return to Rwanda. That report also noted that the Government of Zaire had expressed its commitment to addressing the refugee crisis and to improving security in the camps. To this end, it has indicated that the military and militia elements could be moved to new camps at a distance from the present refugee camps. It has also indicated that it would prefer the political leadership of the former Government of Rwanda to be located in third countries, although they could stay in Kinshasa while awaiting relocation.

27. The political leaders, the military hierarchy of the Rwandese government forces and the militia have made evident their opposition to either their removal from Goma and Bukavu or their separation from the refugee population prior to an overall settlement of the conflict. It is difficult to determine how far these groups would resist attempts to relocate them. Given their expressed opposition, however, and their proven propensity for violence, it can be assumed that they would not move voluntarily and would be likely to use force to resist being moved.

28. Should it be decided to undertake the separation of former political leaders, military and militia, the operation would also be undertaken in phases. In the first phase, while the new camps were being prepared, a strong, well-trained and well-equipped force would be deployed inside the existing refugee camps with the initial mandate of ensuring the security of international relief workers and the delivery of humanitarian assistance. During the second phase, once the new camps were established, the former political leaders, Rwandese government forces personnel and militia would be moved to the new sites, on a voluntary basis if possible, with force being used only where voluntary separation was resisted.

29. The UNAMIR technical team visited several sites recommended by the Government of Zaire, most of them in remote locations. The team analysed in detail the logistic difficulties that would have to be overcome in order to move the political leaders, Rwandese government forces personnel and militia to these new camps. The team concluded that the camps would require considerable infrastructure repair (airfields, roads, buildings, etc.), which would take at least six months to complete from the date of commissioning.

30. Taking all these factors into consideration, especially the likelihood that forcible action would be required, it is evident that this would be a risky, complex and very expensive endeavour. Given the need to provide security in both the existing camps and in the new sites to which the Rwandese government forces personnel and militia would be moved, it is estimated that a force level of two brigade groups (10,000-12,000 men), operating under a Chapter VII mandate, would be required. A United Nations force could conceivably be established for this purpose, either linked to UNAMIR or, preferably, as a separate operation. However, it will be recalled how difficult it was for the United Nations to obtain the necessary troops for the expansion of UNAMIR. It is, thus, clear that the United Nations could not be assured of obtaining expeditiously the personnel required to establish a force capable of undertaking this operation. Should the Security Council favour the establishment of such an operation, it may therefore wish to authorize a Member State, or a group of

Member States, to take the lead in organizing it, using all necessary means to achieve the aims outlined above.

IV. CONCLUDING OBSERVATIONS

31. The preceding section of this report has identified three major military options for tackling the problem of security in the camps, namely:

(a) A United Nations peace-keeping operation, set up in accordance with normal procedures, to establish security progressively in the camps, area by area, over a period of time;

(b) A United Nations force, set up under Chapter VII of the Charter, to separate the former political leaders, military personnel and militia from the ordinary refugee population of the camps, thereby ensuring their security;

(c) A multinational force, authorized by the Security Council under Chapter VII of the Charter but not under United Nations command, to carry out the functions set out in subparagraph (b) above.

Other measures which could be associated with any of the above options would be the provision of foreign security experts to train and monitor the local security forces and appropriate public information campaigns.

32. In considering the above options, it is important to bear in mind that any operation conducted without parallel efforts towards national reconciliation in Rwanda will be futile. Indeed, it might merely have the effect of intensifying extremist activities in the refugee camps in Zaire and also those in other countries bordering Rwanda. It is evident that national reconciliation will require both a political understanding between the former leadership of the country and the present Government and the establishment of conditions in the camps, and in Rwanda itself, conducive to the return of the refugees. Neither is imminent. Any operation that encouraged the repatriation of refugees who were then not able to return to their home communities would merely add to the 1.5 to 2 million persons who are already internally displaced persons inside Rwanda and should therefore be avoided.

33. I am convinced that the first step must be a determined effort by the international community to improve security in the Rwandese refugee camps, especially those in Zaire. On the basis of the information provided by my Special Representative and of the preparatory work undertaken by the Secretariat, I feel that the peace-keeping operation envisaged above (paragraph 31 (a)) may be, under the present circumstances, the most realistic way of achieving a progressive improvement of security in the camps. This will be a difficult, complex and, to some extent, unprecedented enterprise. Should the Security Council favour such an approach, it would be essential that Member States be prepared to provide, in a timely manner, the full human, financial and logistic resources which would be required to carry it out effectively.

34. In determining the measures that need to be taken, the Security Council may wish to keep in mind that establishing security in the refugee camps must be

seen as only the first step in an overall strategy to establish long-term security and durable peace in Rwanda. A two-pronged approach must be adopted of addressing security issues in the camps and, at the same time, helping the Government to create conditions in Rwanda under which large-scale repatriation and reintegration of refugees and internally displaced people can take place. This twin approach is the only means of achieving the environment necessary for national reconciliation and sustainable peace.

35. The Government must assume its responsibilities for establishing the conditions necessary for the return of refugees to Rwanda in safety and dignity. However, in the wake of the cataclysm that has overtaken Rwanda, it finds itself without even the minimal resources to run an administration, much less reconstruct a shattered country and nation. The Government has indicated its commitment to creating conditions for the safe repatriation of refugees and has requested assistance from the international community for this purpose. This will require the rehabilitation of the basic economic and social infrastructure. Measures to be taken inside Rwanda must include the establishment of a fair and effective judicial system and the issue of property rights. As mentioned above, large numbers of longer-term refugees are returning to Rwanda and, in some cases, are occupying the land of those who have recently fled. The Government needs immediate and major financial and technical assistance from the international community to reintegrate the earlier refugees who are now returning and to ensure that those who recently left the country are able to reclaim their properties upon their return.

36. The Government and the international community must be equally committed to cooperating with one another in ensuring that special measures are taken in regard to security, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for the benefit of all Rwandese, especially in those communities to which refugees and displaced people will return. In this regard, about 60 human rights monitors have been deployed in the country to monitor the conditions of returning refugees and internally displaced people. Furthermore, UNAMIR is planning to deploy political affairs officers to its five sectors of operation, specifically to assist the Government, through the local administrations, in promoting national reconciliation and re-establishing civil administration and to facilitate coordination between the activities of UNAMIR and those of other United Nations agencies and programmes.

37. As noted in my report of 6 October, it is fully recognized how difficult it is for the Government to undertake nation-building activities when it suffers from a severe lack of basic resources, including cash reserves. While the international community is calling on it to undertake such activities, the Government is becoming increasingly frustrated with the international community's slow pace in providing the resources necessary for it to do so. Furthermore, there are signs that the security situation in the country is becoming unstable as the Government is not in a position to strengthen local civil administrations or even to pay the salaries of its army. As a result, there is increasing tension between the Rwandese military and UNAMIR and incidents obstructing UNAMIR's ability to carry out its mandate are becoming more frequent. It is therefore essential for the international community to provide immediate assistance to the Government so that it can, for its part,

take the measures necessary to help improve the situation in the country and create the conditions necessary to encourage refugees to return.

38. My Special Representative has formulated and presented to potential donors a Rwanda emergency normalization plan, outlining areas in which such assistance is urgently required. At the request of the Government of Rwanda, UNDP has begun consultations with the donor community leading to a round-table meeting designed to establish a policy framework and to formulate reconstruction and rehabilitation requirements, a process that should also assist the international community to identify areas requiring immediate response. Finally, the Department of Humanitarian Affairs is preparing a new consolidated inter-agency appeal which will cover both continuing emergency requirements and short-term rehabilitation needs. The international community is urged to respond in an adequate and timely manner to these initiatives as part of a comprehensive approach to the problem of Rwanda. In this connection, I would like to recall that, pursuant to Security Council resolution 925 (1994), a trust fund has been established to finance humanitarian relief and rehabilitation programmes in Rwanda. The Trust Fund could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda.

39. Given the crucial importance of establishing secure conditions in the Rwandese refugee camps in Zaire, as well as the pressing need for financial and technical assistance to reach the Government of Rwanda, it is my intention to concentrate all the efforts of the United Nations system on these immediate priorities. Once progress has been made on these two fronts, I shall work with the Organization of African Unity (OAU) to address the wider problems of the subregion.

40. The first step in that direction will be the convening of the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, which was decided upon by the Assembly of Heads of State and Government of OAU at its thirtieth ordinary session, held at Tunis in June 1994. This conference was recently endorsed by the General Assembly (resolution 49/7) and is to be jointly organized by OAU and UNHCR at Bujumbura in the near future.

41. I believe that, at a later stage, a broader conference should be convened jointly by the United Nations and OAU to address a range of political and other issues, including national reconciliation and land-related questions, in order to identify long-term solutions which will ensure peace, security and development in the subregion. Work has begun in the Secretariat to define the scope and modalities of such a conference and I have asked my Special Humanitarian Envoy, Mr. Robert Dillon, who is currently visiting the region, to explore the matter with the countries concerned.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1994/1309
18 November 1994

ORIGINAL: ENGLISH

LETTER DATED 18 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Today, at 1105 hours (Central European Time), two aircraft from the so-called Serb Krajina's "Udbine" airport flew over Bihac at a very low altitude of 50 metres. One of the aircraft dropped at least two cassette bombs over the town centre in the settlement of Luke, while the other aircraft fired at the whole town.

Dr. Ejup Ganic, Vice-President of the Federation and Member of the Presidency of the Republic of Bosnia and Herzegovina, has asked us to inform the Security Council that Mr. Akashi has confirmed to him, in fact, that cluster and napalm have been used against the civilian residents of Bihac in these attacks. No casualties have yet been reported. The citizens of Bihac are currently in shelters.

Last night, at least seven "Volhov" missiles were fired at the town of Cazin. It is reported that the United Nations Protection Force (UNPROFOR) witnessed this attack.

Also, Bihac has been shelled from Mount Pljesivica. A paratrooper attack has been carried out in the region of Bugare. One of the captured soldiers from the so-called "Nis commando unit" (a unit of the regular Army of the Federal Republic of Yugoslavia) claims that in this region there are more than 1,000 Krajina Serb forces, 600 Abdic's forces and 1,270 "Nis commandos".

Bihac Government authorities also expressed their continuing concern over the lack of thoroughness in UNPROFOR reporting of the Bihac situation.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

94-45744 (E) 181194 191194

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1310
18 November 1994

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication which he has received from the Director General of the International Atomic Energy Agency (IAEA).

94-45762 (E) 231194 251194

/...

Annex

Letter dated 16 November 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I refer to my letters of 19 and 27 May, 2 June and 13 June 1994 which, pursuant to the Security Council's request in its resolution 825 (1993), covered reports to the Council on the Agency's efforts to implement the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea.

As I explained in my report for the September meeting of the Agency's Board of Governors (see enclosure I) on 15 June 1994, the Agency was notified that the Democratic People's Republic of Korea was withdrawing from membership of IAEA with effect from 13 June 1994. This, however, did not affect the validity of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency, which remains in force. The Agency continued to carry out inspection activities. During July and August of this year, the Democratic People's Republic of Korea declined access to two declared facilities in the Democratic People's Republic of Korea - the Nuclear Fuel Rod Fabrication Plant and the Nuclear Fuel Rod Storage Facility - and restricted the scope of Agency activities at two other facilities - namely, the 5-MWe Experimental Nuclear Power Reactor and the Radiochemical Laboratory. Following progress made during bilateral consultations between the Democratic People's Republic of Korea and the United States of America, the Democratic People's Republic of Korea accepted enlarging the scope of inspections in early September. Activities at the Radiochemical Laboratory relating the new process line under construction there, to the examination of records and to gamma-mapping activities, continue to be refused.

Further bilateral talks held between the Democratic People's Republic of Korea and the United States resulted in an "Agreed Framework" signed at Geneva on 21 October 1994. That document, considered by the Security Council on 4 November 1994, envisages specific functions for the Agency. These are to monitor a "freeze on the Democratic People's Republic of Korea's graphite-moderated reactors and related facilities", to continue with verification activities at facilities not covered by the freeze and to take measures required with a view to verifying the accuracy and completeness of the Democratic People's Republic of Korea's initial report on all nuclear material in the Democratic People's Republic of Korea.

In the light of the statement by the President of the Security Council of 4 November (S/PRST/1994/64), I convened a meeting of the Agency's Board of Governors on 11 November to explain the Secretariat's understanding of the measures which the Security Council had requested the Agency to take and to obtain the Board's authorization in this regard.

In my report to the Board (see enclosure III), I noted that the monitoring of the freeze, as requested by the Security Council and as understood by the Agency, could be performed in the course of implementing safeguards in the Democratic People's Republic of Korea since the activities required were part of

activities which the Agency might perform while implementing Safeguards Agreements. I also noted that the Agency already had considerable experience in safeguarding various types of facilities, with or without nuclear material, during prolonged or permanent shut-downs. I further explained that other facilities and locations not covered by the freeze would also continue to be subject to safeguards.

I noted also that the statement of 4 November by the President of the Security Council had addressed the important question of the accuracy and completeness of the Democratic People's Republic of Korea's initial report of nuclear material subject to safeguards in the Democratic People's Republic of Korea to verify the Democratic People's Republic of Korea's full compliance with its Safeguards Agreement. In that connection, I said, inter alia, that although the commitment by the Democratic People's Republic of Korea in the Agreed Framework foresaw that a delay before the verification of full compliance would be possible, it would obviously be better for all concerned if cooperation in that respect from the Democratic People's Republic of Korea were to come promptly as required by its Safeguards Agreement. In the interim, it was important for the Democratic People's Republic of Korea to take all steps that might be deemed necessary by the Agency to preserve, intact, all information relevant to such verification. The Agency's ability to verify full compliance with the IAEA/Democratic People's Republic of Korea Safeguards Agreement would depend largely on the continuing availability of all relevant information.

At the conclusion of its meeting on 11 November, the Chairman of the Board of Governors summed up the discussion in terms of the text attached to the present letter (see enclosure IV). You will see from this that the Agency's Board of Governors has, inter alia, authorized the Director General to carry out all the tasks requested of the agency as outlined in the statement of 4 November by the President of the Security Council. Accordingly, the IAEA Secretariat will now be taking steps to do so. As requested by the Council I shall continue to report to the Council on the implementation of the Democratic People's Republic of Korea's Safeguards Agreement with the Agency until the Democratic People's Republic of Korea has come into full compliance with that Agreement. The reporting will include reporting on the Agency's activities relating to monitoring the voluntary measure of the freeze of specified facilities in the Democratic People's Republic of Korea.

I should be grateful if you would bring the text of this letter and its enclosures to the attention of the Security Council.

(Signed) Hans BLIX

Enclosure I

Report by the Director General of the International Atomic Energy Agency on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403)*

1. In its report to the Board of Governors (GOV/2687/Add.7) the Director General informed the Board that, because of the refusal of the Democratic People's Republic of Korea to provide access to additional information and locations, specifically access to the two waste-related sites requested by the Agency since January 1993, and because of the discharge of the core of the Democratic People's Republic of Korea's 5-MWe Experimental Nuclear Power Reactor without the Agency's required verification measures, Agency implementation of safeguards in the Democratic People's Republic of Korea could not achieve the overall objective of comprehensive safeguards in the Democratic People's Republic of Korea, namely to provide assurance about the non-diversion of nuclear material. The Director General added that, for the Agency to be able to verify non-diversion in the Democratic People's Republic of Korea, it was essential for the Agency to have access to all safeguards-relevant information and locations. To achieve that, a paramount requirement was the full cooperation of the Democratic People's Republic of Korea.

2. In his statement to the Board of Governors on 7 June 1994, the Director General referred, inter alia, to other, more positive developments related to declared nuclear facilities in the Democratic People's Republic of Korea. The Director General noted that, despite many setbacks, the Agency had been able to perform most of the safeguards activities required at the Radiochemical Laboratory - a reprocessing plant - in the Democratic People's Republic of Korea, at the Fuel Fabrication Plant and at other declared nuclear facilities. Additionally, no obstacles had been raised to the safeguards measures required to verify the non-diversion of fuel discharged from the 5-MWe Experimental Nuclear Power Reactor. The fuel was in storage under Agency surveillance and inspectors were currently present. In this connection, it may be recalled that the presence of the inspectors at the reactor was in keeping, inter alia, with a statement by the President of the Security Council on 30 May 1994, through which:

> "The Council requests the Director General of the IAEA to maintain IAEA inspectors in the Democratic People's Republic of Korea to monitor activities at the five-megawatt reactor."

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* GOV/2687/Add.8.

3. In sum, therefore, at the time of the Board of Governors meeting in June, the Agency was being enabled to implement adequate safeguards with regard to the Democratic People's Republic of Korea's declared nuclear material. It was not, however, in any position to verify whether the nuclear material which the Democratic People's Republic of Korea had declared was all that should have been declared.

4. Following the Board's deliberations about the Democratic People's Republic of Korea at its meeting in June, the Board adopted resolution GOV/2742 of 10 June.

5. In its paragraph 5, the resolution:

> "Encourages the Director General to continue his efforts to implement fully the Safeguards Agreement, and in particular to retain all Agency safeguards measures effectively in place and make available inspectors and equipment for safeguards in the Democratic People's Republic of Korea as requested by the United Nations Security Council".

Paragraph 6 of the resolution records that the Board of Governors:

> "Decides, in conformity with the provisions of article XII.C of the statute, to suspend non-medical assistance to the Democratic People's Republic of Korea".

In paragraph 8 of the resolution, the Board:

> "Remains seized of the matter and requests the Director General to report promptly to the Board on all relevant developments regarding this issue".

The attached further addendum to the report of the Director General in GOV/2687 is pursuant to paragraph 8 of resolution GOV/2742.

Enclosure II

Report by the Director General on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403)*

Addendum

1. Following the adoption of resolution GOV/2742, the Agency received, on 15 June 1994, from the Permanent Mission of the Democratic People's Republic of Korea, the official text of a statement by a spokesman for the Foreign Ministry of the Democratic People's Republic of Korea made on 13 June. This said that:

> "We [i.e. the Democratic People's Republic of Korea] will immediately withdraw from the IAEA";
>
> "The inspections for the continuity of safeguards which we have accepted in our unique status will no longer be allowed";
>
> "Any unreasonable inspection can never be allowed until it has been decided whether we return to the Nuclear Non-Proliferation Treaty or completely withdraw";
>
> "Hence, the Agency's inspectors now will have nothing to do any further in our country".

2. On 15 June 1994, the Agency was informed by the United States of America, in its capacity as depository of the statute of the Agency, that the Democratic People's Republic of Korea had decided to withdraw from IAEA with effect from 13 June. As requested, the Secretariat brought the withdrawal of the Democratic People's Republic of Korea from the Agency to the attention of all the members of the Agency. The withdrawal of the Democratic People's Republic of Korea from Agency membership did not affect the validity of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency, which remains in force.

3. As stated in paragraph 1 above, the statement of 13 June by the Spokesman of the Foreign Ministry of the Democratic People's Republic of Korea had indicated the unwillingness of the Democratic People's Republic of Korea to accept further inspection activity. However, following a personal contact between the President of the Democratic People's Republic of Korea and former United States President Carter, the position of the Democratic People's Republic of Korea appears to have been modified. Objections have not been raised to the

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* GOV/2687/Add.8, attachment.

Agency maintaining a continuous inspector presence at Nyongbyon where, inter alia, inspectors have been monitoring some activities at the five-megawatt reactor. As already noted in this report, through the statement of 30 May by the President of the Security Council, the Council requested the Director General to maintain IAEA inspectors in the Democratic People's Republic of Korea to monitor activities at that reactor.

4. In a letter of 4 July, and in subsequent notifications of inspections, the Agency requested access to four facilities to carry out inspection activities required by the Safeguards Agreement of the Democratic People's Republic of Korea with the Agency and accepted by the Democratic People's Republic of Korea on 15 February. Access to two of those declared facilities, the Fuel Fabrication Plant and Fresh Fuel Storage Facility, was not granted and the Agency was therefore unable to ascertain whether fresh fuel had been produced and if nuclear material had been moved into or out of these facilities since they had been inspected in March 1994. Agency inspectors at Nyongbyon were informed orally by representatives of the Democratic People's Republic of Korea on 8 July that safeguards activities were to be limited to the replacement of existing seals and maintenance of video surveillance at the 5-MWe Experimental Nuclear Power Reactor and at the Radiochemical Laboratory. The Agency did not receive any written response to its request for inspections at the Nuclear Fuel Rod Fabrication Plant and the Nuclear Fuel Rod Storage Facility. However a note read to Agency inspectors in the Democratic People's Republic of Korea on 22 July by representatives of the country said, inter alia, that because of the withdrawal of the Democratic People's Republic of Korea from the Agency, and in the light of the statement made subsequently by a spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, referring to restrictions on activities to provide continuity of safeguards knowledge, "there can be no talk about doing activities according to the 15 February talking points".

5. With respect to the 5-MWe Experiment Nuclear Power Reactor, the inspectors were enabled to continue activities related to seals and surveillance at the reactor and irradiated fuel storage areas. However, identification of fresh fuel and its verification by non-destructive analysis, and the auditing of facility accounting and operating records, including supporting documents, was denied. Thus, although the inspectors could be reasonably confident that there had been no diversion of the discharged irradiated fuel, they could not confirm whether fresh fuel had been removed from the reactor storage area, possibly to begin refuelling the reactor.

6. In the Radiochemical Laboratory a process line was declared to have operated in 1990 and separated a quantity of plutonium. Agency inspectors were able to apply surveillance and seals at this process line and assess, as long as those measures were in place, that it had not been operated for the reprocessing of irradiated fuel. In the period between February 1993 and March 1994 it was not possible to assess whether any activity had taken place, since surveillance did not operate for certain periods and seals were found broken. For this reason samples were taken during the March and May 1994 inspections and measurements (gamma mapping) were performed at selected points so as to verify the operational status of the plant during the period since February 1993. The gamma mapping results and the preliminary evaluation of the results so far

available from sample analysis have not indicated reprocessing of recently irradiated fuel.

7. A new process line has been under construction for some time at the Radiochemical Laboratory. During the March 1994 inspection, it was found to be in an advanced state of construction. Inspectors were not given access to it, as requested on 4 July 1994, to ascertain the state of its completion. In addition the Agency asked to take certain measurements (gamma mapping) similar to those last taken in March and May 1994 but this was not accepted by the Democratic People's Republic of Korea. Similarly, permission was not given to carry out auditing of facility accounting and operating records, including supporting documents.

8. In the absence of any formal response to the inspection request in the Agency's letter of 4 July, the Director of Division of Operations A of the Agency's Department of Safeguards wrote to Mr. Jong Sun Choi, Director of External Relations of the General Department of Atomic Energy of the Democratic People's Republic of Korea on 12 August 1994. The letter to Director Choi recalled the Agency's request of 4 July and the negative response of the Democratic People's Republic of Korea, as conveyed orally to Agency inspectors in the Democratic People's Republic of Korea. The Agency's letter of 12 August reminded Director Choi that the inspection activities requested were designed to maintain the continuity of knowledge, as required by the Safeguards Agreement of the Democratic People's Republic of Korea, at the declared nuclear facilities in the Democratic People's Republic of Korea and had been included in the list of activities accepted by the Democratic People's Republic of Korea on 15 February 1994. The Agency's letter concluded with a list of inspection activities required at four of the declared nuclear facilities of the Democratic People's Republic of Korea explaining that, for as long as the Agency was precluded from conducting the necessary inspections, it could not provide the required assurance about the non-diversion of declared nuclear material at the declared nuclear facilities of the Democratic People's Republic of Korea.

9. At the time of writing of the present report, no written response has been received from the Democratic People's Republic of Korea to the Agency's letter of 12 August. However, in discussion with Agency inspectors in the Democratic People's Republic of Korea on 5 September, a representative of the Democratic People's Republic of Korea said that, in the light of progress made during recent bilateral consultations between the Democratic People's Republic of Korea and representatives of the United States, the Democratic People's Republic of Korea was ready to enlarge the scope of inspections as requested by the Agency. The same representative said that inspection activities could begin at the Radiochemical Laboratory and at the Nuclear Fuel Rod Storage Facility and at the Nuclear Fuel Rod Fabrication Plant. Moreover, in addition to the activities currently being carried out at the 5-MWe Experimental Nuclear Reactor, Agency inspectors would be able to enter the reactor fresh fuel storage [area] and verify the fresh fuel rods there. With regard to the Radiochemical Laboratory, the representative of the Democratic People's Republic of Korea told the inspectors that because the process line was under Agency seal the Agency could continue with sealing activities and with servicing surveillance equipment. In view of the oral statements by the representative of the Democratic People's Republic of Korea, the Director of the Division of Operations A is writing a

further letter to Director Choi of the General Department of Atomic Energy in the Democratic People's Republic of Korea recording his understanding of the current safeguards situation and the inspection activities that will be undertaken.

Enclosure III

Report by the Director General of the International Atomic Energy Agency on the implementation of the Agreement between the International Atomic Energy Agency and the Democratic People's Republic of Korea in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403) and on the presidential statement adopted by the United Nations Security Council on Friday, 4 November 1994*

1. In his report to the Board of Governors (GOV/2687/Add.8) of 9 September 1994, the Director General informed the Board about the overall situation with regard to safeguards implementation in the Democratic People's Republic of Korea. He noted, inter alia, that the withdrawal of the Democratic People's Republic of Korea from membership in IAEA (with effect from 13 June 1994) did not affect the validity of the Safeguards Agreement (INFCIRC/403) between the Democratic People's Republic of Korea and the Agency, which remains in force. The Agency had continued to carry out inspection activities although it had to be noted that in the summer of 1994 the Democratic People's Republic of Korea had declined access to two declared facilities - the Nuclear Fuel Rod Fabrication Plant and the Nuclear Fuel Rod Storage Facility - and had restricted the scope of Agency activities at two other facilities - the 5-MWe Experimental Nuclear Reactor and the Radiochemical Laboratory. Following the statement by the President of the Security Council of 30 May 1994, the Agency maintains a continuous inspector presence in the Nyongbyon area.

2. Following progress made during bilateral consultations between the Democratic People's Republic of Korea and representatives of the United States of America, the Democratic People's Republic of Korea accepted enlarging the scope of inspections in early September. The inspectors were given access to the Nuclear Fuel Rod Fabrication Plant and the Nuclear Fuel Rod Storage Facility for periodic inspections, as required by the Agency. They have also been enabled, in addition to the other activities being carried out at the 5-MWe Reactor, to enter the reactor fuel storage to verify the fresh fuel rod inventory. As for the Radiochemical Laboratory, the Democratic People's Republic of Korea has so far refused to allow Agency inspectors to ascertain the state of completion of the new process line under construction and has declined examination of records and gamma-mapping activities.

3. During the period following the Board meeting in September, further bilateral talks were held between the Democratic People's Republic of Korea and the United States. They resulted in an "Agreed Framework" signed at Geneva on 21 October 1994. That document (INFCIRC/457) envisages specific functions for the Agency, notably to monitor a "freeze on the Democratic People's Republic of Korea's graphite-moderated reactors and related facilities", to continue with verification activities at facilities not covered by the freeze and to take measures required with a view to verifying the accuracy and completeness of the

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* GOV/2687/Add.9.

Democratic People's Republic of Korea's initial report on all nuclear material in the Democratic People's Republic of Korea. The Director General briefed members of the Agency informally on 25 October about the potential implications for the Agency of the Agreed Framework. He emphasized that a bilateral instrument such as the Agreed Framework could not replace, supersede or detract from the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea. The Director General similarly briefed members of the Security Council on 28 October 1994.

4. The Security Council considered the Agreed Framework and on 4 November, the President of the Security Council issued a Statement (S/PRST/1994/64) in which, inter alia:

(a) The Security Council reaffirmed the critical importance of International Atomic Energy Agency (IAEA) safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (the Treaty) and the contribution which progress in non-proliferation made to the maintenance of international peace and security;

(b) The Security Council noted with satisfaction the "Agreed Framework between the United States of America and the Democratic People's Republic of Korea (DPRK)" (Agreed Framework) of 21 October 1994 as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region;

(c) The Security Council took note of the decision of the DPRK in the Agreed Framework to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons. It noted also the DPRK's decision to come into full compliance with the IAEA-DPRK Safeguards Agreement (INFCIRC/403) under the Treaty;

(d) The Security Council underlined that the Safeguards Agreement remained binding and in force and looked to the DPRK to act thereon. The Council requested IAEA to take all steps it might deem necessary, following consultations between IAEA and the DPRK with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK, to verify full DPRK compliance with the IAEA-DPRK Safeguards Agreement;

(e) The Security Council noted with approval the DPRK decision in the Agreed Framework to freeze its graphite-moderated reactors and related facilities, which was a voluntary measure beyond what was required by the Treaty and the IAEA-DPRK Safeguards Agreement;

(f) The Security Council, having received an oral report from the Director General of IAEA, noted further that IAEA monitoring activities with respect to such a voluntary measure were within the scope of verification activities under the IAEA-DPRK Safeguards Agreement;

(g) The Security Council requested IAEA to take all steps it might deem necessary as a consequence of the Agreed Framework to monitor the freeze;

(h) The Security Council also requested IAEA to continue to report to it on implementation of the Safeguards Agreement until the DPRK had come into full

compliance with that Agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

5. The consideration of the Agreed Framework reached between the United States and the Democratic People's Republic of Korea shows that the Security Council continues to share the Agency's view that the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea is valid and that the Agency must continue to implement it to the best of its ability. The Security Council has requested the Agency to report to it thereon until the Democratic People's Republic of Korea has come into full compliance with the Agreement.

6. The Agency's understanding of the freeze to which the Agreed Framework and the statement by the President of the Security Council refer is that there will be no operations at the facilities covered by the freeze and no construction work of any kind, at either existing facilities or new, related facilities. The spent fuel from the 5-MWe reactor will be stored and disposed of in a manner that does not involve reprocessing in the Democratic People's Republic of Korea. Any movements of nuclear material or equipment within those facilities, any necessary maintenance work by the operator and any transfers of nuclear material out of the facilities would have to be carried out under the observation of Agency inspectors or under other Agency arrangements.

7. Monitoring of a freeze as requested by the Security Council and understood as above can be performed by the Agency in the course of implementing safeguards in the Democratic People's Republic of Korea; the activities required are part of activities which the Agency may perform while implementing Safeguards Agreements. The main additional element in this case will be the specific reporting to the Security Council on the monitoring of the freeze.

8. The Agency has considerable experience in safeguarding various types of facilities, with or without nuclear material, during prolonged or permanent shutdowns. Similarly, the Agency also has experience in verifying facilities during construction, prior to operation. Facilities relevant in these contexts are reprocessing plants; enrichment plants; mixed oxide fuel fabrication plants; research and power reactors; on-load reactors; and uranium fuel fabrication plants. The activities that the Agency has carried out in such cases include the periodic verification of nuclear material and design information; the application of seals, surveillance and other monitoring devices, as specified by the Agency, on nuclear material, equipment and containment; and the taking of photographic records. In cases where such measures show anomalies or inconclusive results, activities have been performed to re-establish the continuity of safeguards knowledge. In responding to the Security Council's request to the Agency to monitor the freeze in the Democratic People's Republic of Korea, the Agency will take existing practices into account.

9. The Agency's current assessment is that the resources required for the implementation of safeguards in the Democratic People's Republic of Korea, including the monitoring of the freeze, will not much exceed the resources that are presently being spent.

10. The facilities in the Democratic People's Republic of Korea covered by the freeze are the following:

(a) The Nyongbyon 5-MWe Experimental Nuclear Power Plant;

(b) The Nyongbyon Nuclear Fuel Rod Fabrication Plant;

(c) The Radiochemical Laboratory of the Institute of Radiochemistry of Nyongbyon;

(d) The Nyongbyon 50-MWe Nuclear Power Plant (under construction);

(e) The Taechon 200-MWe Nuclear Power Plant (under construction).

11. Other facilities and installations which are included in the declarations of the Democratic People's Republic of Korea, but which are not covered by the freeze, will also be subject to safeguards.

12. The Agreed Framework also envisages the eventual dismantlement of the graphite-moderated reactors and related facilities of the Democratic People's Republic of Korea. Such dismantlement will need verification.

13. The statement of the President of the Security Council of 4 November 1994 addresses the question of the accuracy and completeness of the initial report of the Democratic People's Republic of Korea and requests the Agency to take all steps it may deem necessary, following consultations between IAEA and the Democratic People's Republic of Korea with regard to verifying the accuracy and completeness of that country's initial report on all nuclear material in the country, to verify full compliance with the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea. The commitment by the Democratic People's Republic of Korea in the Agreed Framework foresees a delay before this will be possible. As the Director General has stressed both to members of the Agency and to the Security Council, it would be better for all concerned if cooperation in this respect from the Democratic People's Republic of Korea were to come promptly, as required by the Safeguards Agreement.

14. To enable the Agency to verify the accuracy and completeness of the initial declarations of the Democratic People's Republic of Korea, it is also essential that the Democratic People's Republic of Korea take all steps that may be deemed necessary by the Agency to preserve, intact, all information relevant to such verification. The Agency's ability to verify full compliance with the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea will depend substantially on the extent to which all relevant information will remain available.

15. In the light of the foregoing, the approval of the Board of Governors is now being sought to enable the Secretariat to act upon the Security Council request to the Agency contained in the statement of the President of the Security Council of 4 November 1994.

16. The Director General will report to the Board and to the Security Council, periodically and as appropriate, on the implementation of the Safeguards Agreement, including the monitoring of the freeze.

Enclosure IV

Session of the Board of Governors, Friday, 11 November 1994

Summing-up by the Chairman

1. The Board takes note of the Agreed Framework between the Democratic People's Republic of Korea and the United States of America concluded on 21 October 1994. It further takes note of the decision of the Democratic People's Republic of Korea in the Agreed Framework to remain a Party to the Treaty on the Non-Proliferation of Nuclear Weapons and to come into full compliance with the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea (INFCIRC/403).

2. The Board reaffirms that the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea remains binding and in force.

3. The Board takes note of the statement by the President of the United Nations Security Council of 4 November 1994 on behalf of the Security Council as well as the Director General's report thereon contained in document GOV/2687/Add.9.

4. The Board authorizes the Director General to carry out all the tasks requested of the Agency as outlined in the presidential statement of the Security Council on 4 November 1994.

5. Finally, the Board requests the Director General to report to it periodically and to the Security Council as appropriate on the implementation of the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea and on Agency activities related to monitoring the voluntary measure of the freeze of specified facilities in the Democratic People's Republic of Korea.

6. I believe that this represents the common elements of our discussion. Many speakers welcomed the Agreed Framework between the Democratic People's Republic of Korea and the United States of America and expressed the hope that its implementation by all concerned parties would lead to increased cooperation between the Democratic People's Republic of Korea and the Agency, resulting in the full implementation of the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea at the earliest possible time. To this end, renewed appeals were made by many to the Democratic People's Republic of Korea to cooperate with the Agency.